

AUG 05 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FCC MAIL ROOM

In the Matter of)

)
Amendment of Section 73.202)
FM Table of Assignments)
(Utica, Hazelhurst,)
Vicksburg, Mississippi))

MM Docket No. 93-158
RM 7702

)
Amendment of Section 73.202)
FM Table of Assignments)
(Flora, Kings, Utica, Hazelhurst,)
Vicksburg, Mississippi, and)
Epps, Louisiana))

MM Docket No. 91-131
RM 7702
RM 7840
RM 7841

To: Chief, Mass Media Bureau

RESPONSE TO
PETITION FOR EXTRAORDINARY RELIEF

St. Pe' Broadcasting, Inc., licensee of WJXN(FM), Utica, Mississippi ("St. Pe'") by counsel, herewith submits its Response in partial opposition to and in partial support of the Petition for Extraordinary Relief, filed with respect to the above referenced proceedings on July 23, 1993, by Crossroads Communications, Inc. ("Crossroads"). In support whereof the following is shown:

1. In its Petition Crossroads notes that the Commission issued on June 16, 1993, a Notice of Proposed Rulemaking in MM Docket No. 93-158, proposing the substitution of 265C3 for 225A at Utica, Mississippi, in response to St. Pe's Petition for Rulemaking, filed December 14, 1992. Crossroads requests that the

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Commission either:

(a) deny St. Pe's pending Petition for Reconsideration and Stay, filed September 27, 1992, or

(b) reconsider its action in issuing the NPRM in MM Docket No. 93-158, terminate that proceeding and implement the channel substitutions proposed in St. Pe's December 14, 1992 Petition for Rulemaking in the context of MM Docket No. 91-131 on reconsideration.

2. St. Pe' herewith opposes Crossroads Petition insofar as it requests the Commission to deny St. Pe's Petition for Reconsideration, prior to the resolution of MM Docket No. 93-158. If St. Pe' is successful in obtaining the desired upgrade at Utica, Mississippi, in MM Docket No. 93-158, its Petition for Reconsideration may be rendered moot. However, to deny St. Pe's Petition for Reconsideration at this juncture would serve no useful purpose, as far as Crossroads is concerned, inasmuch as St. Pe' would undoubtedly seek further appeals. Furthermore, Crossroads' contention that St. Pe' is pursuing inconsistent courses of action is without merit. On the contrary, St. Pe' has simply found an alternate channel substitution for Vicksburg, Mississippi, which does not impact Crossroads' proposed upgrade at Flora, Mississippi. As Crossroads notes in its Petition, the Commission has long practiced a policy of resolving conflicts in rulemaking proceedings by utilizing newly available solutions. Thus, rather than denying St. Pe's Petition for Reconsideration, the Commission should grant it and implement on its own motion

the channel substitutions proposed in St. Pe's December 14, 1993 Petition for Rulemaking, which would permit both Crossroads and St. Pe' to have their requested upgrades, while allowing for improved service at both Vicksburg and Hazelhurst, Mississippi.

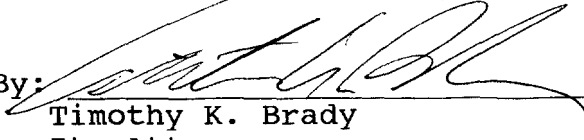
3. Accordingly, St. Pe' fully supports Crossroad's Petition for Extraordinary Relief, insofar as it requests that Commission, either on its own motion or in response to St. Pe's Petition for Reconsideration and Stay, to implement the channel substitutions advanced in St. Pe's December 14, 1993 Petition for Rulemaking in the context of MM Docket No. 91-131, which would not only permit St. Pe's proposed upgrade at Utica, Mississippi, but would, likewise, permit Crossroad's proposed upgrade at Flora, Mississippi. Furthermore, such action would render St. Pe's December 14, 1993 Petition for Rulemaking moot, permitting the Commission to rescind its June 16, 1993, NPRM and terminate MM Docket No. 93-158. In this regard it should be noted that both in its December 14, 1993 Petition for Rulemaking, as well as in its Reply to Opposition to Petition for Reconsideration, filed in MM Docket No. 91-131, St. Pe' pointed out that the Commission could implement the channel substitutions advanced in its December 14, 1992 Petition for Rulemaking in the context of MM Docket No. 91-131, either on its own motion or in response to St. Pe's Petition for Reconsideration, which served to preclude the Commission's Report and Order in that proceeding from becoming a final order.

4. Therefore, insofar as Crossroads requests the Commission to implement the channel substitutions advanced in St. Pe's December 14, 1993 Petition for Rulemaking in the context of MM Docket No. 91-131, whether on the Commission's own motion or in response to St. Pe's Petition for Reconsideration and Stay, it should be granted.

Respectfully Submitted,

ST. PE' BROADCASTING, INC.

By:



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August 5, 1993

CERTIFICATE OF SERVICE

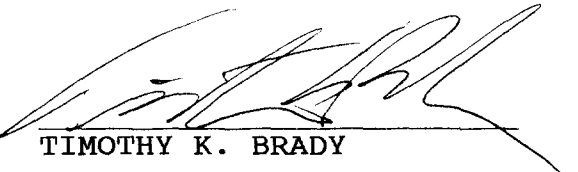
I, Timothy K. Brady, hereby certify that I have on or before the 5th day of August, 1993, served a copy of the foregoing Response by First Class mail, postage prepaid upon the following:

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